

Rev. 11/15/13

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISIONIN RE: **Rosa Lee Warren**  
**Jerry Wayne Warren**  
Debtor(s)Case No.  
Chapter 13 Proceeding**DEBTOR(S)' CHAPTER 13 PLAN**  **AMENDED**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE****Plan Summary**

A. The Debtor's Plan Payment is scheduled at **\$586.15 Bi-Weekly** [  Pay Order,  Direct Pay ] for **60 months**. The gross amount to be paid into the plan is **\$76,200.00**.

B. The Plan proposes to pay all allowed priority, special class and secured claims and approximately **1%** of the unsecured allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan. Other than adequate protection payments, disbursements will begin after entry of an order of confirmation of the plan.

C. Value of non-exempt assets **\$0.00**.

D. Current monthly income **\$3,703.15**, - expenses **\$2,435.00** = available for plan **\$1,268.15**.

E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan. The IRS or the Debtor(s) are directed to forward refund to the Trustee.

**Special Plan Provisions**

None.

**Plan Provisions****I. Vesting of Estate Property**

Upon confirmation of the plan, all property of the estate shall vest in the Debtor(s), and shall not remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

**II. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

| Creditor Name | Description of Contract | Election | In Default |
|---------------|-------------------------|----------|------------|
| (None)        |                         |          |            |

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

| Creditor Name | Description of Contract | Election | In Default |
|---------------|-------------------------|----------|------------|
| (None)        |                         |          |            |

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Continuation Sheet # 1

**III. Specific Treatment for Payment of Allowed Claims****1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS; SURRENDER OF COLLATERAL**

A. Debtor shall pay the following creditors directly:

| Creditor Name | Remarks | Debt Amount | Monthly Payment |
|---------------|---------|-------------|-----------------|
|---------------|---------|-------------|-----------------|

B. Debtor shall surrender the following collateral:

| Creditor Name /<br>Collateral Surrendered | In Full Satisfaction (Yes/No) | Debt Amount |
|---|-------------------------------|-------------|
|---|-------------------------------|-------------|

C. Creditor's Direct Communication With Debtors

Creditors whose claims are scheduled to be paid directly by the debtor(s), including creditors with claims secured by real property or vehicles, are authorized to send monthly statements to the debtor(s). They are also authorized to communicate directly with the debtor(s) in response to a debtor's questions about monthly payments, escrow accounts, account balances, increases in monthly payments, and other routine customer service inquiries.

**2. PAYMENTS BY TRUSTEE**

A. Administrative Expenses (including Attorney's fees)

*The Trustee may receive up to 10% of all sums received.*

| Creditor                                 | Estimated Amount of Debt | Monthly Payment Amount  |
|--|--------------------------|-------------------------|
| The Law Offices of Douglas J. Powell, P. | \$2,499.00               | Month(s) 1-9 \$250.00   |
|  |                          | Month(s) 10-10 \$249.00 |

B. Ongoing Mortgage Payments

The Trustee shall pay all post-petition monthly mortgage payments on claims against real property that were delinquent on the petition date ("Ongoing Mortgage Payments"). The Ongoing Mortgage Payments will be in the amount stated in the allowed proof of claim or as fixed by Court order. If the debtor makes a Plan payment that is insufficient for the Trustee to disburse all Ongoing Mortgage Payments required below, such payments will be disbursed in the order listed below. The Trustee shall hold debtor payments until a sufficient amount is received to make a full Ongoing Mortgage Payment. The debtor shall provide to the Trustee all notices received from Mortgage Creditors including statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of the interest rate on variable interest rate loans. The automatic stay is modified to permit Mortgage Creditors to issue such notices. Changes to the monthly Ongoing Mortgage Payment or the addition of post-petition mortgage fees and charges shall be effectuated pursuant to the *Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division*.

| Mortgage Creditor /<br>Property Address | Monthly Mortgage<br>Payment (proof of<br>claim controls) | Monthly<br>Late Charge | Interest<br>Rate<br>(for<br>information<br>only) | Payment<br>Due Date<br>(per<br>contract) | Paid by<br>Trustee OR<br>Paid Direct<br>by Debtor<br>(select one) |
|---|--|------------------------|--|--|---|
|---|--|------------------------|--|--|---|

|   |          |    |         |
|---|----------|----|---------|
| Briarcreek Owners Assoc., Inc.<br>Homestead | Pro-Rata | 0% | Trustee |
|---|----------|----|---------|

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Debtor(s)

Chapter 13 Proceeding

**DEBTOR(S)' CHAPTER 13 PLAN**  **AMENDED**  
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Continuation Sheet # 2

|                                     |          |    |         |
|-------------------------------------|----------|----|---------|
| Ocwen Federal Bank FSB<br>Homestead | \$872.00 | 0% | Trustee |
|-------------------------------------|----------|----|---------|

**C. Secured Claims - Real Property; Mortgage Arrearage**

The plan will cure pre-petition arrearage claims pursuant to the payment schedule set forth in the plan. The amount of the mortgage arrearage claim to be paid through the plan will be the amount of the mortgage creditors' allowed proof of claim, unless a different amount is established by court order. The amount set forth in the proposed plan and any subsequent order confirming the plan is an estimate only and is not binding on the Debtor(s) or the mortgage creditor and is not an admission on the part of the Debtor(s) nor does it prohibit the Debtor(s) from filing an objection to the mortgage creditor's claim. Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

| Creditor /<br>Property Address / Description of Collateral | Estimated<br>Claim | Mo. Pmt or<br>Method of<br>Disbursement | Interest<br>Rate (if<br>applicable) | Other Remarks |
|--|--------------------|---|-------------------------------------|---------------|
| Ocwen Federal Bank FSB<br>Homestead                        | \$12,370.00        | Pro-Rata                                | 0%                                  |               |

**D. Secured Claims - Personal Property; Adequate Protection Payments; MOTIONS TO VALUE COLLATERAL**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the full amount of the claim, as specified below, plus interest thereon at the rate specified in this Plan.

FAILURE OF THE SECURED CREDITOR TO OBJECT TO THE PROPOSED VALUE WILL BE DEEMED ACCEPTANCE OF THE PLAN UNDER SECTION 1325(a)(5)(A). Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section III(2)(E).

In the first disbursement following the filing of a claim by a creditor holding an allowed claim secured by personal property, the Trustee shall commence making adequate protection payments in the amount set out below, unless otherwise ordered by the Court. Such payments shall cease upon confirmation of the plan.

Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

| Creditor/Collateral                              | Adequate Protection Payment | Other Treatment/Remarks |
|--|-----------------------------|-------------------------|
| A+ F.C.U.<br>2008 Saturn Aura with 130,000 miles | \$200.00                    |                         |

The Debtor moves to value collateral described below in the amounts indicated. The Debtor(s) declares, under penalty of perjury, that the foregoing values as stated in the above Motion and the Plan for the secured debt are true and correct and to the best of their knowledge represent the replacement value, pursuant to Section 506(a)(2), of the assets held for collateral.

**/s/ Rosa Lee Warren**

Rosa Lee Warren, Debtor

**/s/ Jerry Wayne Warren**

Jerry Wayne Warren, Joint Debtor

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Continuation Sheet # 3

Objections to Valuation of collateral proposed by this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. Following confirmation of the plan, monthly payments shall be made as follows:

| Creditor / Collateral   | Est. Claim | Value of Collateral | Monthly Payment | Interest Rate | Pay Value of Collateral (OR) Pay Full Amount of Claim (select one) |
|---|------------|---------------------|-----------------|---------------|--|
| A+ F.C.U.<br>2008 Saturn Aura with 130,000 miles              | \$6,286.00 | \$6,800.55          | Pro-Rata        | 4.25%         | Pay Full Amount of Claim   |
| Aqua Finance, Inc.<br>Water softener                          | \$1,684.23 | \$400.00            | Pro-Rata        | 3.5%          | Pay Value of Collateral  |
| Conn's<br>Washer, Dryer, Refrigerator, King Mattress, Microwa | \$3,338.00 | \$1,350.00          | Pro-Rata        | 3.5%          | Pay Value of Collateral  |

Secured creditors shall retain their liens on the collateral which is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

## E. Priority Creditors

| Creditor | Estimated Amount of Debt | Payment Method<br>1. Before<br>2. After<br>3. Along With Secured Creditors | Monthly Payment or Method of Disbursement |
|----------|--------------------------|--|---|
|----------|--------------------------|--|---|

F. General Unsecured Creditors, [including claims from rejection of contracts, leases and contracts for deed]. The Trustee will pay allowed general, unsecured claims unless otherwise ordered by the Court. Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in the 55th month of the Plan.

## G. Cure claims on Assumed Executory Contracts, Contracts for Deed &amp; Leases:

| Creditor | Estimated Amount of Debt | Payment Method<br>1. Before<br>2. After<br>3. Along With Secured Creditors | Monthly Payment or Method of Disbursement |
|----------|--------------------------|--|---|
|----------|--------------------------|--|---|

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Continuation Sheet # 4

**Totals:**

|                       |                            |
|-----------------------|----------------------------|
| Administrative Claims | <u><b>\$2,499.00</b></u>   |
| Arrearage Claims      | <u><b>\$0.00</b></u>       |
| Secured Claims        | <u><b>\$121,362.47</b></u> |
| Priority Claims       | <u><b>\$0.00</b></u>       |
| Unsecured Claims      | <u><b>\$146,655.30</b></u> |
| Cure Claims           | <u><b>\$0.00</b></u>       |

## H. Lien Avoidance under 11 U.S.C. § 522(f)

**MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)**

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

| Creditor /<br>Property subject to lien | Amount of Lien<br>to be Avoided | Remarks |
|--|---------------------------------|---------|
|  |                                 |         |

**IV. General Information****Notice: Local Rule 3002 provides, in part:**

*"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's Attorney (or the Debtor if the Debtor is pro se)."*

**Limiting Notice After Deadline to File a Proof of Claim:**

For pleadings requiring notice on all creditors and filed after the deadline to file a proof of claim, parties in interest need only serve the Limited Notice List and the Limited Notice List shall include the following:

- the United States Trustee for the Western District of Texas, Austin Division;
- the Chapter 13 Trustee for the Western District of Texas, Austin Division;
- the Debtor(s) unsecured creditors or their respective counsel, provided however that they filed a claim or notice of appearance;
- all secured creditors in this case or their counsel;
- all taxing authorities holding claims against the Debtor(s);
- all parties who have, by notice of entry of appearance advised the Court and counsel for the Debtor(s) that they desire to receive notices herein;
- government agencies required to receive notice under the Bankruptcy Rules and above-named.

Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is fourteen (14) days prior to the confirmation hearing.

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**Jerry Wayne Warren**

Debtor(s)

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**DEBTOR(S)' CHAPTER 13 PLAN**  **AMENDED**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Continuation Sheet # 5*

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Respectfully submitted this date: 3/13/2015.

**/s/ Rosa Lee Warren**

Rosa Lee Warren  
13900 Briarcreek Loop  
Manor, TX 78653-4670  
(Debtor)

**/s/ Jerry Wayne Warren**

Jerry Wayne Warren  
13900 Briarcreek Loop  
Manor, TX 78653-4670  
(Joint Debtor)

**/s/ Douglas J. Powell**

Douglas J. Powell  
820 W. 10th St.  
Austin, TX 78701  
Phone: (512) 476-2457 / Fax: (512) 477-4503  
(Attorney for Debtor)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: Rosa Lee Warren  
*Debtor*

CASE NO.

Jerry Wayne Warren  
*Joint Debtor*

CHAPTER 13

**CERTIFICATE OF SERVICE**

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I, the undersigned, hereby certify that on March 16, 2015, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Douglas J. Powell

Douglas J. Powell  
Bar ID:  
Law Offices of Douglas J. Powell, P.C.  
820 W. 10th St.  
Austin, TX 78701  
(512) 476-2457

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A+ Credit Union  
PO Box 790408  
St. Louis, MO 63179-0408

Arrow Financial Services LLC  
5996 W. Touhy Ave  
Niles, IL 60714-4610

Capital One Card  
xxxxxxxx xxxxxx xx 7354  
Attn: Bankruptcy Department  
P.O. Box 30285  
Salt Lake City, UT 84130-0285

A+ F.C.U.  
xxxxxx7908  
P.O. Box 14867  
Austin, TX 78761-4867

Bass & Associates  
3936 E. Fort Lowell Road  
Suite 200  
Tucson, AZ 85712-1083

Capital One NA  
P.O. Box 26625  
Richmond, VA 23261

A+ F.C.U.  
P.O. Box 14867  
Austin, TX 78761-4867

Brackenridge Hospital  
601 East 15th Street  
Austin, TX 78701

Cashland/Cash America Group  
1600 West 7th Street  
Fort Worth, TX 76102

Aqua Finance, Inc.  
xxxxxx1194  
P. O. Box 101928, Dept 612A  
Birmingham, AL 35210-6928

Briarcreek Owners Assoc., Inc.  
x0591  
P. O. Box 200145  
Austin, TX 78720

CCS Collections  
2 Wells Avenue  
Newton, MA 02459

UNITED STATES BANKRUPTCY COURT  
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IN RE: Rosa Lee Warren

*Debtor*

CASE NO.

Jerry Wayne Warren

*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

|   |   |   |
|---|---|---|
| Clinical Pathology Associates<br>P.O. Box 28770<br>Austin, TX 78755-8770              | Eastern Account System of<br>Connecticut<br>P.O. Box 837<br>Newtown, CT 06470       | I.C. Systems<br>P.O. Box 64378<br>Saint Paul, MN 55164                                    |
| Comenity Bank/Lane Bryant<br>4590 E. Broad Street<br>Columbus, OH 43213               | Enhanced Recovery Company, LLC<br>8014 Bayberry Road<br>Jacksonville, FL 32256-7412 | Imperial Credit Systems<br>125 N. Parkside Drive, Suite 302<br>Colorado Springs, CO 80909 |
| Complete Payment Recovery Services,<br>Inc.<br>3500 5th Street<br>Northport, AL 35476 | Financial Control Services<br>6801 Sanger Avenue, Suite 195<br>Waco, TX 76710       | Internal Revenue Service<br>P. O. Box 7346<br>Philadelphia, PA 19101-7317                 |
| Conn's<br>x3870****<br>PO Box 815867<br>Dallas, TX 75234                              | Financial Control Svc.<br>6801 Sanger Avenue, Suite 195<br>Waco, TX 76710           | Internal Revenue Service<br>300 E. 8th St.<br>STOP 5022 AUS<br>Austin, TX 78701           |
| Credit Management LP<br>4200 International Pkwy<br>Carrollton, TX 75007               | First Premier Bank<br>P. O. Box 5524<br>Sioux Falls, SD 57117-5524                  | Jefferson Capital Systems<br>16 McLeland Road<br>Saint Cloud, MN 56303                    |
| Credit Management, LP<br>4200 International Parkway<br>Carrolton, TX 75007            | General Revenue Corporation<br>4660 Duke Drive, Suite 300<br>Mason, OH 45040-8466   | Merchants & Professional<br>5508 Parkcrest Drive, Suite 21<br>Austin, TX 78731            |
| Deborah B. Langehennig<br>3801 Capital of Texas Hwy, Suite 320<br>Austin, TX          | Heart Hospital of Austin<br>P.O. Box 025437<br>Miami, FL 33102-5437                 | MSB<br>P.O. Box 16777<br>Austin, TX 78761   |

UNITED STATES BANKRUPTCY COURT  
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IN RE: Rosa Lee Warren  
*Debtor*

CASE NO.

Jerry Wayne Warren  
*Joint Debtor*

CHAPTER 13

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #2)

|   |   |  |
|---|---|--|
| NCO Financial Systems, Inc.<br>2135 E. Primrose, Suite Q<br>Dept 200<br>Springfield, MO 65804 | Portfolio Recovery & Affiliates<br>120 Corporate Blvd<br>Suite 100<br>Norfolk, VA 23502 | TCEP- SMC & SNW<br>P.O. Box 2283<br>Mansfield, TX 76063-0047 |
|---|---|--|

|   |  |   |
|---|--|---|
| NelNet LNS<br>P.O. Box 1649<br>Denver, CO 80201 | Professional Placement Services, LLC<br>P.O. Box 612<br>Milwaukee, WI 53201-0612 | Texas Department of Transportation<br>P. O. Box 26487<br>Austin, TX 78755 |
|---|--|---|

|  |  |  |
|--|--|--|
| Northland Group Inc.<br>P.O. Box 390846<br>Minneapolis, MN 55439 | Rosa Lee Warren<br>13900 Briarcreek Loop<br>Manor, TX 78653-4670 | Time Warner Cable<br>xxxxxxxxxxxx7598<br>Legal Dept., 4th Floor<br>10475 Park Meadows Dr.<br>Littleton, CO 80124 |
|--|--|--|

|   |   |  |
|---|---|--|
| Ocwen Federal Bank FSB<br>xxxxxx8418<br>P. O. Box 24781<br>West Palm Beach, FL 33416-4781 | Seton<br>xxxxx9225<br>1201 West 38th Street<br>Austin, TX 78705 | Travis County Emergency Physicians,<br>P.A.<br>P.O. Box 2283<br>Mansfield, TX 76063-0047 |
|---|---|--|

|   |   |  |
|---|---|--|
| Orchard Bank<br>xxxx xxxx xxxx 9259<br>HSBC Card Services<br>P.O. Box 379<br>Wood Dale, IL 60191-0379 | Seton<br>xxxxx3203<br>1201 West 38th Street<br>Austin, TX 78705 | Tribute Card Services<br>P.O. Box 105555<br>Atlanta, GA 30348-5555 |
|---|---|--|

|   |   |  |
|---|---|--|
| Perdue Brandon Fielder Collins & Mott<br>1235 North Loop West<br>Suite 600<br>Houston, TX 77008 | Seton Healthcare Network<br>xxxxxxxx4875<br>1345 Philomena St<br>Austin, TX 78723 | Trident Asset Management<br>53 Perimeter Ctr E<br>Suite 4<br>Atlanta, GA 30346 |
|---|---|--|

|  |   |   |
|--|---|---|
| Pioneer Credit Recovery, Inc.<br>P.O. Box 99<br>Arcade, NY 14009 | Southern Handicapped Services, Inc.<br>P.O. Box 1349<br>Theodore, AL 36590-1349 | U. S. Department of Education<br>General Counsel's Office<br>400 Maryland Avenue, S.W.<br>Room 4091<br>Washington, D.C. 20202 |
|--|---|---|

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE: Rosa Lee Warren  
*Debtor*

CASE NO.

Jerry Wayne Warren  
*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #3)

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U.S. Attorney  
601 N. W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512

United Consumer Financial Services  
865 Bassett Road  
Westlake, OH 44145

US Dept of ED/GLELSI  
P.O. Box 7860  
Madison, WI 53707

US Dept of Education  
P.O. Box 5609  
Greenville, TX 75403-5609

Wakefield & Associates  
10800 E. Bethany Drive, Suite 4  
Aurora, CO 80014